

**THE LOUISIANA STATE  
BOARD OF MEDICAL EXAMINERS**

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**MINUTES  
OF  
MEETING**

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**JUNE 10, 2019  
NEW ORLEANS, LOUISIANA**

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A meeting of the Louisiana State Board of Medical Examiners, pursuant to lawful notice, was convened and called to order at 8:30 a.m., Monday, June 10, 2019, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana.

Board Members present as follows:

Christy Lynn Valentine, M.D., President  
Roderick V. Clark, M.D., Vice-President  
Joseph Kerry Howell, M.D., Secretary-Treasurer  
Kweli J. Amusa, M.D.  
Rita Y. Horton, M.D.  
Lester Wayne Johnson, M.D.  
Kim S. Sport, JD  
James A. Taylor, Jr., M.D.  
Terrie R. Thomas, M.D.

Board Member absent as follows:

Daniel K. Winstead, M.D.

The following members of the Board's staff were present:

Vincent A. Culotta, Jr., M.D., Executive Director  
Lawrence H. Cresswell, DO, JD, Director of Investigations  
Aloma James, Director of Licensure  
Lesley Rye, Compliance Investigator  
Jacinta Duthu, Administrative Program Specialist  
Rita L. Arceneaux, Confidential Executive Assistant

Legal counsel to the Board was present as follows:

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Philip O. Bergeron  
Michael G. Bagneris (Ret)

Members of the public present as follows:

See list attached

1. **Minutes of May 13, 2019 Meeting.** The Board reviewed the minutes of its meeting held May 13, 2019. On the motion of Dr. Johnson, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board approved the minutes of the meeting with all the necessary corrections.
2. **Status Report on Action Items of Prior Board Meetings; Report on Assignments to Counsel.** The Board noted the action items as assigned to staff and counsel from previous meetings.
3. **Rules/Amendments; Noticed for Intent to Adopt: Therapeutic Marijuana; Personal Appearance; American Academy of Pediatrics; Roberta Carona Vicari, M.D., FAAP;** Roberta Carona Vicari, M.D., FAAP, Vice President, Louisiana Chapter, American Academy of Pediatrics, appeared before the Board as requested to discuss their concerns with the proposed definition of *Pediatric Subspecialist* as defined in the proposed rules *Notice of Intent: Physician Practice; Marijuana for Therapeutic Use by Patients Suffering from a Debilitating Medical Condition*. Dr. Vicari works at Our Lady of the Lake Children's Hospital in the Pediatrics Program training general pediatricians. She equated this issue to the HIV-AIDS epidemic when little was known about the disease and its cures. She stated there is no scientific evidence to support the use of marijuana for children with autism and that maybe Louisiana can be the state that studies its efficacy. She further stated that oftentimes children with autism are on multiple medications and that the reaction/interaction with marijuana is unknown. She concluded asking for that guidance be given to physicians on the use of marijuana for the treatment of children with autism, particularly, pediatric subspecialist.
4. **Rules/Amendments; Noticed for Intent to Adopt: Therapeutic Marijuana; Personal Appearance; Lauren Bailey, Vice-President, Legal Affairs, Louisiana State Medical Society ("LSMS").** Lauren Bailey, Vice-President, Legal Affairs, Louisiana State Medical Society, offered comments to the proposed rules from Jeff Williams, who was attending a conference in Chicago, "that the LSMS stands with the Louisiana Chapter of the American Academy of Pediatrics, the Louisiana Psychiatric Medical Society and the Louisiana Academy of Neurology in voicing concern related to the Louisiana Legislature redefining the definition of pediatric subspecialist as it relates to the treatment of children suffering from Autism Spectrum Disorder." He furthered offered that "when treating children, the management of these medications are typically handled by a child psychiatrist, psychologist, neurologist or other pediatric subspecialist trained in behavioral medicine for children. Ms. Bailey further expressed that the LSMS's biggest concern is that the subspecialist can be licensed in any state.

**5. Rulings and Advisory Opinions; Physician Assistant; Scope of Practice; Supervision of Radiation Therapy.** The Board reviewed a request from Yolanda Holt, Christus Health, asking whether a physician assistant or nurse practitioner, with documented training, and certification may supervise radiation therapy performed by a radiation therapist. Following review and discussion, it was the consensus of the Board to seek the input of its Physician Assistant Advisory Committee.

**6. Rulings and Advisory Opinions; Personal Appearance; Adam Arcement, M.D., FAAEM, Urgent Care Clinic; Supervision.** Adam Arcement, M.D., FAAEM, appeared before the Board to discuss his supervision of physician assistants at the two urgent care clinics while living in Florida. Dr. Arcement explained that his partner would be the primary physician with another physician serving as backup. He would maintain his license in Louisiana as well as his registration as the supervising physician for the PAs. He asked if it would be within the Board's rule to provide supervision via phone/telecommunication for the clinics. Following review and discussion, it was the consensus of the Board to advise Dr. Arcement that given the fact that other physicians will serve as the primary supervising physician, his services would not be in violation of the law or the Board's rules.

**7. Rulings and Advisory Opinions; Accessing Prescription Monitoring Program (PMP).** The Board reviewed the inquiry received from Fred R. DeFrancesch, M.D., regarding the ability of a physician to access the PMP for an independent medical examination. Following review and discussion, it was the consensus of the Board to refer this matter to the Louisiana Board of Pharmacy who has jurisdiction over the PMP.

**8. Communication and Information; Federation of State Medical Boards, Inc.** The Board reviewed a communication from the FSMBs releasing the result of a survey regarding the reporting of physician misconduct. No further action was required or taken on this matter.

**9. Communication and Information; Louisiana Board of Pharmacy.** The Board reviewed the Notice of Rulemaking Activity, USP-800 Subcommittee Meeting scheduled for Wednesday, June 12, 2019 at 1:00 p.m. It was noted that this Subcommittee would review the federal guidelines for compounding in the office, which may ultimately affect physicians. No further action was required or taken on this matter.

**10. Communication and Information; American Board of Cosmetic Surgery, Inc.** The Board reviewed communication received from Peter B. Canalia, J.D., Executive Director, American Board of Cosmetic Surgery, Inc. No further action was required or taken on this matter.

**11. Communication and Information; James G. Barbee, M.D., Risk Evaluation and Mitigation Strategy ("REMS") Site.** The Board reviewed correspondence received from James G. Barbee, M.D., advising the Board that he is applying to become designated as a REMS site to allow the administration of Spravato (esketamine nasal spray) to patients with treatment-resistant major depression. Following review and discussion, it was the consensus of the Board to advise Dr. Barbee that inasmuch as esketamine is an approved FDA product, physician may conformally utilize this drug for the treatment of adults suffering from treatment-resistant depression. In addition, to further advise that the Board has revised its Advisory Opinion: Off-Label Use of Ketamine to reflect the FDA approval.

**12. Communication and Information; International Society of Hair Restoration Surgery.** The Board reviewed a communication received from the International Society of Hair Restoration Surgery. No further action was required or taken on this matter.

**13. General Administrative Matters; President's Report.** The Board received the report of its President on her activities since the last meeting of the Board. Dr. Valentine advised the Board that she had served on Reference Committee B at the annual meeting of the Federation of State Medical Boards. She was also invited to serve on the Strategy Planning Committee looking at the goals of the FSMB for the next five years. No further action was required or taken on this matter.

**14. General Administrative Matters; Executive Director's Report.** The Board reviewed the report of its Executive Director on his activities since the last meeting of the Board. No further action was required or taken on this matter.

**15. General Administrative Matters; New Business; eQHealth Solutions.** On the motion of Dr. Thomas, duly seconded by Dr. Horton and passed by unanimous voice vote, the Board voted to take up an item of new business, a communication from Trenton L. James II, M.D., QIN-QIO Medical Director, eQHealth Solutions. Following review and discussion, on the motion of Dr. Amusa, duly seconded by Dr. Clark, and passed by unanimous voice vote, the Board voted to defer action on this matter until the next meeting and invite Dr. James to appear.

**16. General Administrative Matters; Prescription Monitoring Program ("PMP") Advisory Council.** The Board received the report of the quarterly meeting of the PMP Advisory Council held April 10, 2019. No further action was required or taken on this matter.

**17. General Administrative Matters; Financial Reports.** The Board reviewed the Income Statement and Cash Balance Summary for the first four months ending April 30, 2019 along with that of the Physicians' Health Foundation and Clinical Laboratory Personnel accounts. Following review and discussion, on the motion of Dr. Howell, duly seconded by Dr. Taylor, and passed by unanimous voice vote, the Board approved the Financial Report.

**18. Rules and Regulations.**

a. Final Rules/Amendments: None published since the last meeting of the Board.

b. Rules/Amendments; Noticed for Intent to Adopt: Genetic Counselors: Pursuant to the Board's request, a rulemaking effort commenced to develop rules for Genetic Counselors, to accommodate the new law contained in Act 593 (HB 753, Rep. Stokes) of the 2018 Regular Session of the Legislature, which established this category of health care providers under the Board's jurisdiction. Staff and counsel developed a draft of set rules and forwarded the draft to the Genetic Counselors Advisory Committee for review. The Committee approved the draft and requested additional changes relative to CME renewal. At its October 2018 meeting, the Board approved providing a *Notice of Intent* to adopt the new rules. The *Notice of Intent* appeared in the December 2018 edition of the *Louisiana Register*. Following publication of the *Notice of Intent*, the Board did not receive a timely request for a public hearing but did receive written comments from one commenter. During its February 2019 meeting, the Board considered the written comments submitted by its Genetic Counselors Advisory Committee concerning the intent of the law as to the need for a collaborating physician for every licensee rather only by those who engage in the

functions identified in R.S. 37:1360.103B. Following review and discussion, the Board voted to make substantive changes to the proposed rules previously noticed (require a CP for those licensees who engage in R.S. 37:1360.103B functions) and, in the interim, conform its application attestation to capture the revisions. At its March 2019 meeting, the Board approved providing a Potpourri Notice in the *Louisiana Register*. The Potpourri Notice appeared in the April 2019 edition of the *Louisiana Register*. A hearing to consider comments on the proposed substantive changes was held on May 30, 2019. No written comments were received and no one appeared at the hearing to present oral comments. On the motion of Dr. Clark, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board voted to adopt and promulgate the rules by and upon publication in the *Louisiana Register*.

**Telemedicine:** At its December 2018 meeting, the Board considered a request for clarification of the “in-state” requirement contained in .7505C of its telemedicine rules for consistency with the law and so that, as applied, it would not inadvertently impact physicians from prescribing medication or other health care services to their patients who may be vacationing or temporarily outside of Louisiana to the extent that such are permitted in other jurisdictions. Following review and discussion at its December 2018 meeting, the Board voted to amend .7505C., of the rules by deleting the words “in this state” and provide *Notice of Intent* to adopt the amendment in the *Louisiana Register*. The proposed rule amendments were submitted to the OLRC for approval. The OLRC advised that because the amendment merely brings the rule into compliance with the wording of the law, Commission approval was not required. The *Notice of Intent* was published in the April 2019 edition of the *Louisiana Register*. Neither a request for a public hearing or written comments were received during the comment period. On the motion of Dr. Clark, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board voted to adopt and promulgate the amendment by and upon publication in the *Louisiana Register*.

**Therapeutic Marijuana:** Pursuant to the Board’s request, a rulemaking effort has been commenced to accommodate several changes in the law resulting from Acts 496 (HB 627, Rep. Lyons) and 708 (HB 579, Rep. James) of the 2018 Regular Session of the Legislature. In conformity with the law, the proposed changes: (i) add various conditions to the definition of a *debilitating medical condition*, for which therapeutic marijuana may be recommended by a physician; and (ii) clarifies two provisions in conformity with the Board’s prior advice (e.g., 7705A.5, 7714A.4). The draft also highlighted several provisions that were the subject of a request for rule making, which the Board denied/deferred pending the conclusion of the 2018 legislative session. During the September 2018 meeting, the Board reviewed the proposed amendments and considered items noted in a request for rulemaking. Following discussion and comment from numerous members of the public, the Board voted to adopt a number of proposed amendments including (i) to include post-traumatic stress disorder and chronic/intractable pain as debilitating medical conditions, given their addition to the law by Act 709 of the 2018 Regular Session of the Legislature (7705A) See: definition of *Debilitating Medical Condition*; (ii) eliminate the 100 patient limit (impose no limit) on the number of patients for whom a physician registered with the Board may recommend therapeutic marijuana (7707A.2, 7709B.); (iii) remove the requirement that the physician re-examine the patient at intervals not to exceed 90 days and instead leave the frequency of follow-up examinations to the judgment of the treating physician (7717A.6); adopt other changes made necessary for conformity with the law and consistency with prior Board advice. Given that requirement of the law that defines a recommendation for therapeutic marijuana to be an “order from a physician...authorized by the Board to recommend medical marijuana that is patient-specific and disease-specific”, the Board did not modify the rule requirements relative to form, amount, dosage

and instruction for use (7721A.4: 7729D). In addition, the Board suggested additional amendments to the rules for conditions associated with autism spectrum disorder (Act 496 of the 2018 Regular Session) for review. Following review and discussion at its October 2018 meeting, it was the consensus of the Board to defer providing *Notice of Intent* to adopt the amendments until it had further opportunity to consider and explore the amendment to certain new definitions made necessary by Act 496. Upon further consideration and discussion at its December 2018 meeting, the Board voted to (i) revise the definitions for “consult or consultation” and “pediatric subspecialist”; (ii) in response to a request for clarification by the Louisiana Hospital Association, amend the definition of “Bona-Fide Physician-Patient Relationship” (7705A) to eliminate the unintended consequences of in-person examinations conducted at locations other than a physician’s physical practice location, which are contained in the physician’s registration with the Board; and (iii) provide *Notice of Intent* to adopt all of the proposed amendments following approval from the OLRC. The *Notice of Intent* appeared in the April 2019 edition of the *Louisiana Register*. A request for a public hearing was submitted to the Board, *albeit* untimely, by a professional association concerning the proposed definition of “pediatric subspecialist”. The submission was considered and accepted by staff as a written comment and the commenter was advised that it would be considered at this meeting (see item 3 and 4 above). Following due consideration, on the motion of Dr. Clark, duly seconded by Ms. Sport, and passed by majority voice vote,<sup>1</sup> the Board voted to submit the second report to the Occupational Licensing Review Commission for approval. **Physician; Fellowship Training Permit:** Pursuant to the Board’s request, a rulemaking effort has been undertaken to amend its rules to provide for a short-term training permit that would accommodate fellowship training that is not accredited by the ACGME, that is offered by a Louisiana medical school or major teaching hospital with an underlying ACGME accredited residency training program in the same specialty as the fellowship. The Board reviewed a draft of the rules presented for review and discussion. Following review and discussion at its October and December 2018 meetings, it was the consensus of the Board to provide a preview draft to various stakeholders. After the report from various stakeholders, the Board voted to provide a *Notice of Intent* to adopt the rules and to submit to the OLRC for approval. The OLRC approved the proposed amendments. The *Notice of Intent* appeared in the April 2019 edition of the *Louisiana Register*. Neither a request for a public hearing or written comments was received during the comment period. On the motion of Dr. Clark, duly seconded by Dr. Thomas, and passed by majority voice vote, the Board voted to submit the second report to the Occupational Licensing Review Commission for approval.

**c. Rules/Amendments Under Development: Physician Compounding Medication:** At its December 2014 and January 2015 meetings, the Board reviewed Emergency Rules adopted by the Louisiana Board of Pharmacy to reflect certain changes in federal law concerning compounded medication. Following review and discussion, the Board elected to undertake a rulemaking effort as to physicians who compound medication in order to insure consistency with federal and state law and regulations. A draft will be presented for initial review and consideration in due course. **Physician Advertising; Board Certification:** At its March 2015 meeting, the Board determined to undertake a rulemaking effort to establish a process for its approval of certifying boards, alternative to the ABMS and AOA, for purposes of physician advertising of *Board Certification*. The Board directed that a draft be prepared and presented for review and approval. In conformity with

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<sup>1</sup> Dr. Taylor was opposed to the motion.

the Board's direction, a draft was presented for initial review and discussion at the April 2015 meeting. At its May 2015 meeting, the Board approved publication of a *Notice of Intent* to adopt the rule amendments in the *Louisiana Register*. An additional word change was discussed and pre-notice input was received from interested parties. Following review and discussion, the Board elected to defer this effort to allow further consideration and input by other stakeholders. Inasmuch as further input had not been received, it was the consensus of the Board to write to several interested parties to ask for their input by the May meeting of the Board. During the May 2016 meeting, the Board reviewed the additional information submitted by the various stakeholders and entertained brief presentations by interested parties. Following discussion, the Board voted to defer action on this rule-making effort pending further review and voted to designate a Special Committee consisting of individuals recommended by the deans of the state's medical schools and a former Board member, to provide information on the processes involved in the accreditation of physician post-graduate training. During its January 2017 meeting, the Board received the committee's input. Following discussion, the Board requested certain changes to the draft previously appearing on its agenda, along with additional information for its consideration. Following further discussion and consideration at its April 2017 meeting, the Board voted to provide *Notice of Intent* to adopt Draft 2(A). During the March 2018 meeting, the Board determined to defer moving forward to the next step of the rulemaking process until it had an opportunity to further explore and consider all other available options, as well as the outcome of a bill introduced in this session of the Louisiana Legislature that would remove its jurisdiction to act in this matter (See SB 186).

**Physicians; Licensure:** Amendments to the physician licensure rules as suggested by staff was presented for initial review and discussion to update generally for consistency with current standards and make other substantive and technical modifications made necessary by the passage of time and current practices. Following review and discussion at its January 2018 meeting, the Board suggested proceeding slowly with the proposed changes to consider how such changes may affect other Sections of the rules. In the interim, the Board approved moving forward with the suggested amendment to §417B to clarify that a renewal reminder would be mailed to licensees in lieu of an actual application.

**Physicians; Complaints and Investigations:** – Pursuant to the Board's request, a rulemaking effort is being commenced to conform its rules on complaints and investigations to various changes in the law resulting from Act 599 (HB 778, Rep. K. Jackson) of the 2018 Regular Session of the Legislature. A draft was presented for initial review and consideration. Following review and discussion at its October 2018 meeting, it was the consensus of the Board to provide a preview draft to various stakeholders prior to providing *Notice of Intent* to adopt the amendments. Following a report that there had been no negative feedback from the various stakeholders, at its December 2018 meeting, the Board voted to provide *Notice of Intent*. At the request of the President, the rule effort was delayed until the March 2019 meeting to provide the Board the opportunity to consider a new rule on the assessment of fees in administrative disciplinary proceedings. Given that there was no further discussion on the original rule effort as to complaints and investigations, on the motion of Dr. Clark, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board voted to publish a *Notice of Intent* to adopt the rules in the *Louisiana Register*.

**Physicians; Licensure:** Amendments to the physician licensure rules as suggested by staff was presented for initial review and discussion to update generally for consistency with current standards and make other substantive and technical modifications made necessary by the passage of time and current practices. Following review and discussion at its January 2018 meeting, the Board suggested proceeding slowly with the proposed

changes to consider how such changes may affect other Sections of the rules. In the interim, the Board approved moving forward with the suggested amendment to §417B to clarify that a renewal reminder would be mailed to licensees in lieu of an actual application.

**Potpourri Notice/Petitions for Rulemaking (Act 454 Notice:** Pursuant to Act. 454 of the 2018 Regular Session of the Louisiana Legislature, codified as La. R.S. 49:953(C)(2), at least once prior to January 1, 2020, and at least once during every six-year period thereafter, each agency which engages in rulemaking is required to conduct a public hearing for the purpose of allowing any interested person the opportunity to comment on any rule of the agency which the person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome. The agency is required to publish notice of the meeting in the *Louisiana Register*, give notice electronically to the appropriate legislative oversight committees, and provide notice to all persons who have made timely request of the agency for notice of rule changes, no later than thirty days prior to the meeting. As with all such efforts, the agency is required to consider the comments and issue a response to each submission describing the principal advantages and disadvantages of the suggest changes. It may also prepare a statement explaining the basis and rationale for the rule in question identifying the data and evidence upon which the rule is based. All submission, which must be made in writing and responses, must be submitted to the legislative oversight committees. Consistent with the law, a *Potpourri* Notice was presented for consideration and approval for a convenient date and time for a public hearing to be held no sooner than 30 days following publication of the Notice, which is anticipated to be published in the July 2019 edition of the *Louisiana Register*. Agencies are also required to prescribe by rule the form for petitions for adoption, amendment, or repeal of a rule and the procedure for their submission, consideration and disposition. Following review and discussion, on the motion of Dr. Clark, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board voted to publish a *Potpourri Notice* in the *Louisiana Register* advising that a public hearing has been scheduled for October 14, 2019 at 9:00 a.m.

**19. Public Comments.** The President asked if anyone from the public had questions and/or any further comments. Hearing none the pubic session concluded.

**[20.] Minutes of May 13, 2019 Executive Sessions.** On the motion of Dr. Amusa, duly seconded by Dr. Horton and passed by unanimous voice vote, the Board convened in executive session to review the minutes of its executive sessions conducted during the meeting of May 13, 2019. Following review and discussion, the Board resumed in open session. On the motion of Dr. Thomas, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board approved the minutes of the executive sessions conducted during its meeting of May 13, 2019 with any necessary corrections.

**[21.] Act 2018-655 Complaint; Personal Appearance; Richard Bardwell.** On the motion of Ms. Sport, duly seconded by Dr. Amusa, the Board convened in executive session to consider the complaint received as a matter relating to the Board's actions and procedures in an investigative matter relating to the character and professional conduct of a licensee, and allegations of misconduct, La. Rev. Stat. §42:17A(1) and (4). Following his dismissal, the Board resumed in open session. On the motion of Ms. Sport, duly seconded by Dr. Thomas and passed by unanimous voice vote, it was the decision of the Board to develop a policy for handling complaints that are not within the Board's jurisdiction, for example VA physicians.



**[22.] Report on Pending Litigation.** On the motion of Dr. Taylor, duly seconded by Dr. Clark, the Board convened in executive session to receive the report of legal counsel on pending litigation to which the Board was a party, and the status of proceedings for judicial review of prior Board decisions, La. Rev. Stat. § 42:17A(2). There was no further action required or taken on this matter. The Board also discussed payment of legal fees incurred by Board members. Following review and discussion, on the motion of Dr. Clark, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board approved seeking an Attorney-General opinion on reimbursement of legal fees for Board members and to research the possibility of obtaining Board member insurance for protect themselves and their businesses from liability.

**[23.] Personal Appearances/Docket Calendar.** On the motion of Dr. Clark, duly seconded by Dr. Amusa, and passed by unanimous voice vote, the Board convened in executive session, to review the calendar of personal appearances and docketed hearings, as matters relating to the character and professional conduct of a licensee and allegations of misconduct, La. Rev. Stat. 42:17 A(1), (4). No further action was required or taken on this matter.

**[24.] Investigative Reports.** On the motion of Dr. Clark, duly seconded by Dr. Howell, and passed by unanimous voice vote, the Board convened in executive session, to consider the investigative reports as a matter relating to the character and professional conduct of a licensee, and allegations of misconduct, La. Rev. Stat. §42:17A(1) and (4). Following review and discussion the Board resumed in open session. On the motion of Dr. Clark, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board made the following decision:

Consent Order: The following Consent Order was accepted:

Christopher Thomas Butler, PA, Docket No., 18-I-249

**[25.] Investigative Matter; Personal Appearance; Christopher Thomas Butler, PA.** On the motion of Dr. Horton, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Christopher Thomas Butler, PA, concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat.§ 42:17A(1) and (4). Mr. Butler appeared before the Board in connection with the acceptance of his Consent Order.

**[26.] General Disciplinary Matters; Personal Appearance; Lynn Simon, M.D.** On the motion of Dr. Thomas, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Lynn Simon, M.D., concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat.§ 42:17A(1) and (4). Dr. Simon appeared before the Board in connection with his request for modification of the terms of his Consent Order to have the lifetime restriction on collaboration with a nurse practitioner or serve as a supervising physician for a physician assistant removed. Following his appearance, the Board resumed in open session. On the motion of Dr. Clark, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board granted his request.

**[27.] General Disciplinary Matters; Personal Appearance; Paul Edward Perkowski, M.D.<sup>2</sup>** On the motion of Dr. Howell, duly seconded by Dr. Horton and passed by unanimous voice vote,

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<sup>2</sup> Dr. Clark recused himself from any and all participation in discussion and/or consideration of this matter.

the Board convened in executive session, for the personal appearance of Paul Edward Perkowski, M.D., concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:17A(1) and (4). Dr. Perkowski appeared before the Board in connection with his request for reinstatement of his license to a full, unrestricted status. Following his dismissal, the Board resumed in open session. On the motion of Dr. Amusa, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board approved the request of Dr. Perkowski for reinstatement of his license to a full, unrestricted status, off probation.

**[28.] General Disciplinary Matters; Personal Appearance; Randy Wayne Head, M.D.** On the motion of Dr. Taylor, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Randy Wayne Head, M.D., concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:17A(1) and (4). Dr. Head appeared before the Board in connection with his request for reinstatement of his license to a full, unrestricted status. Following his dismissal, the Board resumed in open session. On the motion of Dr. Amusa, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board approved the request of Dr. Head for reinstatement of his license to a full, unrestricted status, off probation.

**[29.] General Disciplinary Matters; Personal Appearance; Kevin Govan Work, M.D.** On the motion of Dr. Taylor, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Kevin Govan Work, M.D., concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:17A(1) and (4). Dr. Work, accompanied by his attorney, Ellie T. Schilling, Esq., appeared before the Board in connection with his request for reinstatement of his license to a full, unrestricted status. Following his dismissal, the Board resumed in open session. On the motion of Dr. Taylor, duly seconded by Dr. Clark and passed by majority voice vote<sup>3</sup>, the Board approved the request of Dr. Work for reinstatement of his license to a full, unrestricted status, off probation effective June 20, 2019.

**[30.] General Administrative Matters; Attorney 3.** On the motion of Dr. Howell, duly seconded by Dr. Clark, and passed by unanimous voice vote, the Board convened in executive session to discuss the applicants interviewed for the position of Attorney 3, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session and on the motion of Dr. Clark, duly seconded by Ms. Sport, and passed by unanimous voice vote, the Board voted to offer the position to their first choice.

**[31.] Licensure and Certification; Physicians and Surgeons; U.S./Canadian Medical Graduates.** On the motion of Dr. Thomas, duly seconded by Dr. Taylor and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session and on the motion of Dr. Thomas, duly seconded by Dr. Clark and passed by unanimous voice vote, approved the following for licensure provided all other requirements had been met:

Johnson, Joffre Edward

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<sup>3</sup> Dr. Howell was opposed to this motion.

**[32.] Licensure and Certification; Physicians and Surgeons; U.S./Canadian Medical Graduates; Training Permits.** On the motion of Dr. Amusa, duly seconded by Dr. Horton and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine applications for issuance of a training permit as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session and on the motion of Dr. Clark, duly seconded by Dr. Howell and passed by unanimous voice vote made the following decisions:

Deferred – To defer action on the application of the following pending receipt of additional information:

Clark, Earl McClane II

**[33.] Licensure and Certification; Foreign/International Medical Graduates.** On the motion of Dr. Howell, duly seconded Dr. Clark and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine application for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following the review, the Board resumed in open session. On the motion of Ms. Sport, duly seconded by Dr. Clark and passed by unanimous voice vote, made the following decisions:

a. Approved – To approve the waiver of the licensure requirements for the following in accordance with §315 of the Board's rules:

Sharshir, Moh'd Ahmed

b. Denied – To affirm the Board's decision to deny the request of the following for the waiver of the licensure requirements:

Sabayon, Dean

**[34.] Licensure and Certification; Other Licensure Matters; Continuing Medical Education Audit.** On the motion of Dr. Horton, duly seconded by Dr. Amusa, and passed by unanimous voice vote, the Board convened in executive session to consider other licensure matters, the continuing education audit as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). The Board reviewed the list of licensees who failed to provide documentation of continuing medical education as required by law and who licenses were revoked.

**35. Licensure and Certification; Other Licensure Matters; Short-Term Residency Training Program; Ochsner Health System.** The Board reviewed the request for approval of a short-term residency in general surgery from George M. Fuhrman, M.D., Program Director, General Surgery Program, Ochsner Health System. The purpose of the course is to train general surgery residents in transplantation, general knowledge, patient care, etc., rotating from Tripler Army Medical Center General Surgery program in Hawaii. Following review and discussion, upon motion of Dr. Clark, duly seconded by Dr. Horton and passed by unanimous voice vote, the Board approved the short-term residency training program.

**[36.] General Administrative Matters; Louisiana Legislative Auditors Performance Audit Report; Plan of Action.** On the motion of Dr. Clark, duly seconded by Dr. Howell, and passed by unanimous voice vote, the Board convened in executive session, to consider the plan of action relative to the Legislative Auditors Performance Audit Final Report, pursuant to, La.Rev.Stat., 42:17A(10). Following review and discussion, the Board resumed in open session. On the motion of Dr. Howell, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board approved the proposed plan of action in response to the performance audit.

**[37.] Investigative Reports.** On the motion of Dr. Thomas, duly seconded by Dr. Amusa, and passed by unanimous voice vote, the Board convened in executive session, to consider the investigative reports as a matter relating to the character and professional conduct of a licensee, and allegations of misconduct, La. Rev. Stat. §42:17A(1) and (4). Following review and discussion the Board resumed in open session. On the motion of Dr. Clark, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board made the following decisions:

- a. Administrative Complaint: The following Motion to Dismiss Administrative Complaint Without Prejudice was accepted:

Docket No., 19-A-006<sup>4</sup>

- b. Administrative Complaints The following Administrative Complaints were accepted and approved for scheduling of a pre-trial conference and formal hearing:

Docket No., 18-I-033<sup>5</sup>

Docket No., 15-I-424

- c. Formal Investigations: The Board approved commencing a formal investigation in the following matters:

Investigation No., 18-I-489  
Investigation No., 19-I-052  
Investigation No., 18-I-689<sup>6</sup>  
Investigation No., 18-I-388

Investigation No., 17-I-943  
Investigation No., 19-375  
Investigation No., 19-376  
Investigation No., 19-I-033

- d. Formal Investigations: The Board approved an extension of 180 days to commence a formal investigation in the following matters:

Investigation No., 19-194  
Investigation No., 19-246  
Investigation No., 19-230  
Investigation No., 19-310  
Investigation No., 19-305  
Investigation No., 19-301

Investigation No., 19-302  
Investigation No., 19-346  
Investigation No., 19-295  
Investigation No., 19-248  
Investigation No., 19-169  
Investigation No., 19-244

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4 Dr. Horton recused herself from any and all participation in discussion and/or consideration of this matter.

5 Dr. Horton recused herself from any and all participation in discussion and/or consideration of this matter.

6 Dr. Clark recused himself from any and all participation in discussion and/or consideration of this matter.

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Investigation No., 19-313	Investigation No., 19-254
Investigation No., 19-292	Investigation No., 18-768
Investigation No., 19-299	Investigation No., 18-655
Investigation No., 19-303	Investigation No., 19-375
Investigation No., 19-307	Investigation No., 19-376
Investigation No., 19-335	Investigation No., 19-426
Investigation No., 19-257	Investigation No., 19-279
Investigation No., 19-317	Investigation No., 19-342
Investigation No., 19-250	Investigation No., 19-223
Investigation No., 19-187	Investigation No., 19-176
Investigation No., 19-318	Investigation No., 19-246
Investigation No., 19-265	Investigation No., 19-419
Investigation No., 19-369	Investigation No., 19-940
Investigation No., 18-940	

- e. Consent Orders: The following Consent Orders were accepted:

Robert A. Brocato, M.D., Docket No., 18-I-853  
Kang Lu, M.D., Docket No., 19-I-123  
Cade M. Hilton, CRT, Docket No., 18-I-172

- f. Closed/Dismissed: To approve closing/dismissing the following matters:

File No., 18-I-872<sup>7</sup>  
File No., 16-I-423  
File No., 18-I-756

- g. Closed/Dismissed: To deny the request to close/dismiss with a Letter of Concern the following matter:

File No., 18-I-246

- h. Closed/Dismissed: The following matters were closed/dismissed with a Letter of Concern:

File No., 18-I-512  
File No., 18-I-250  
File No., 18-I-318  
File No., 18-I-319

- i. Interim Action: The Board approved the Interim Action that had been handled by the Vice- President:

Docket No., 18-I-154<sup>8</sup>

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<sup>7</sup> Dr. Howell recused himself from any and all participation in discussion and/or consideration of this matter.

<sup>8</sup> Dr. Valentine recused herself from any and all participation in discussion and/or consideration of this matter

- j. Closed Complaints Cases: The Board reviewed the Closed Complaint Cases Report for the month of May 2019.

**[38.] Professional Liability Report.** On the motion of Dr. Amusa, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session to consider the report on professional liability cases reviewed since the last meeting of the Board as matters relating to the character and professional conduct of a licensee and allegations of misconduct, La. Rev. Stat. § 42:17A(1) and (4). No further action was required or taken on this matter.

**[39.] General Disciplinary Matters.** On the motion of Dr. Taylor, duly seconded by Dr. Horton, the Board convened in executive session to consider the request relating to the execution or modification of a Decision and/or Consent Order as matters relating to the character and professional conduct of licensees, pursuant to La. Rev. Stat. §42:17A(1) and (4). Following review and discussion, the Board resumed in open session and upon the motion of Dr. Amusa, duly seconded by Dr. Johnson and passed by unanimous voice vote, made the following decisions:

- a. Macaluso, Jacqueline Ann, MDW – To defer action on this matter and prepare a draft a response to Ms. Macaluso for approval at the next meeting of the Board.
- b. Office Based Surgery – To approve the site visits for office-based surgery compliance and use of the rubric prepared for assessing compliance.

**[40.] Investigations; Other Investigation Matters.** On the motion of Dr. Horton, duly seconded by Dr. Amusa, and passed by unanimous voice vote, the Board convened in executive session to consider other general investigation matters pursuant to La.Rev.Stat. 42:17A(1). The Board reviewed the Affidavit of Information form prepared by Dr. Cresswell to be used when conducting investigatory meetings within the Board office. Following review and discussion, the Board resumed in open session. On the motion of Dr. Thomas, duly seconded by Dr. Howell, the Board approved the Affidavit of Information Form.

**41. Rulings and Advisory Opinions; Physician Assistants; Scope of Practice; Surgical Implant of Hormone Pellets.** The Board reviewed the request received asking the Board's advice as to whether or not it is within the scope of practice of a physician assistant to surgically implant hormone pellets. Following review and discussion, it was the consensus of the Board to defer action on this matter pending receipt of additional information.

**42. Legislative Matters; 2019 Legislation.** The Board reviewed a list of legislation that passed in the 2019 legislative session that may have an impact on the Board. No further action was required or taken on this matter.

**43. Next Meeting of the Board.** The President reminded the members that the next meeting of the Board was scheduled for July 15, 16, 2019.

**I HEREBY CERTIFY** that the foregoing is a full, true and correct account of the proceedings of the meeting of the Louisiana State Board of Medical Examiners, save for executive session of the Board conducted therein, held on June 10, 2019 and approved by the Board on the 15<sup>th</sup> day of July, 2019.

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Witness my hand and seal of the Louisiana State Board of Medical Examiners this 15<sup>th</sup> day of July 2019.

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Joseph Kerry Howell, M.D.  
Secretary-Treasurer

Attest:

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Christy Lynn Valentine, M.D.  
President